

Bluth



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Systems & Processes Engineering Corp.--
Second Request for Reconsideration
File: B-231420.3
Date: June 30, 1988

DIGEST

1. To be considered, a request for reconsideration of a prior decision of the General Accounting Office must indicate that the decision contained errors of fact, or law, or information not previously considered that would warrant its reversal or modification. The repetition of arguments made during resolution of the original protest, or mere disagreement with the decision, does not meet this standard.
2. Protest is untimely because not diligently pursued where the protester waited over 2 months after it learned of its basis for protest to request the release of information under the Freedom of Information Act.

DECISION

Systems & Processes Engineering Corp. (SPEC) seeks a second reconsideration of our decision, Systems & Processes Engineering Corp.--Request for Reconsideration, B-231420.2 June 8, 1988, 88-1 CPD ¶ ___, affirming the dismissal of its protest as untimely and not invoking the significant issue rule. The protester now requests reconsideration on the bases that it disagrees with our decision and that new information received pursuant to a Freedom of Information Act (FOIA) request reveals evidence in support of the prior protest. We deny the request for reconsideration.

SPEC's first argument is its continued contention that its initial protest concerns issues which are of widespread significance to the procurement community and that, therefore, we should waive our timeliness requirements.

However, in our prior reconsideration, we carefully considered SPEC's argument that its protest concerned significant issues. The protester's repetition of this same allegation shows that it merely disagrees with our decision.

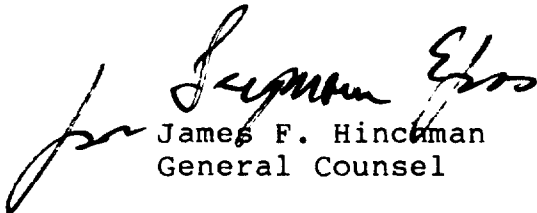
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To be considered, a request for reconsideration of a prior decision of the General Accounting Office must indicate that the decision contained errors of fact or law or information not previously considered that would warrant its reversal or modification. The repetition of the original protest, or mere disagreement with the decision, does not meet this standard. I.T.S. Corp.--Request for Reconsideration, B-228919.2, Feb. 2, 1988, 88-1 CPD ¶ 101.

SPEC next argues that the new information it received pursuant to a request under FOIA supports its earlier protest. The FOIA request was submitted to the contracting agency on May 24, and the agency responded on June 6. The protester then filed another protest in our Office on June 16, based upon the newly disclosed information.

If a protester diligently pursues release of information and then files a protest within 10 working days of the receipt of the data, our timeliness requirements are satisfied. However, that is not the situation here. SPEC waited over 2 months from the time it learned of its basis for protest before submitting its FOIA request, and this Office has rejected protests when the protester delayed only 5 weeks. See National Council of Senior Citizens, Inc., B-196723, Feb. 1, 1980, 80-1 CPD ¶ 87.

SPEC's delay of over 2 months does not constitute a diligent pursuit of the FOIA request. Additionally, the information it received only bolstered its previous protest and our Office will not reconsider a decision on the basis of an argument previously presented but supported for the first time in a request for reconsideration by evidence that could have been furnished at the time of our original consideration. J.R. Youngdale Construction Co., Inc.--Request for Reconsideration, B-219439.2, Feb. 20, 1986, 86-1 CPD ¶ 176.


James F. Hinchman
General Counsel